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Filing date: **01/28/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

|                           |   |
|---------------------------|---|
| Proceeding                | 92053414  |
| Party                     | Defendant<br>Gilmar S.P.A.  |
| Correspondence<br>Address | JOHN C. BLATTNER<br>BUTZEL LONG P.C.<br>350 S. MAIN STREET, SUITE 300<br>ANN ARBOR, MI 48104<br>UNITED STATES<br>trademark@butzel.com |
| Submission                | Answer  |
| Filer's Name              | JOHN C. BLATTNER  |
| Filer's e-mail            | blattner@butzel.com, robinsone@butzel.com, trademark@butzel.com,<br>dernbach@butzel.com   |
| Signature                 | /JOHN C. BLATTNER/  |
| Date                      | 01/28/2011  |
| Attachments               | Answer and Aff Defenses.pdf ( 4 pages )(127400 bytes )  |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ICEBREAKER LIMITED,

Petitioner,

Cancellation No. 92053414

v.

GILMAR S.P.A.,

Registrant.

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**ANSWER and AFFIRMATIVE DEFENSES**

Registrant Gilmar S.p.A. answers the Petition for Cancellation filed by Petitioner Icebreaker Ltd. as follows:

1. Registrant neither admits nor denies the allegations set forth in Paragraph 1 of the Petition for the reason that it is without knowledge or information sufficient to form a belief as to the truth of those allegations.
2. Registrant admits the allegations set forth in Paragraph 2 of the Petition.
3. Registrant neither admits nor denies the allegations set forth in Paragraph 3 of the Petition for the reason that it is without knowledge or information sufficient to form a belief as to the truth of those allegations.
4. Registrant neither admits nor denies the allegations set forth in Paragraph 4 of the Petition for the reason that it is without knowledge or information sufficient to form a belief as to the truth of those allegations.
5. Registrant admits the allegations set forth in Paragraph 5 of the Petition.

6. Answering Paragraph 6 of the Petition, Registrant admits that it owns the Subject Registrations, and further states that the registrations themselves are the best evidence of their contents.

7. Registrant denies the allegations set forth in Paragraph 7 of the Petition as untrue.

8. Registrant denies the allegations set forth in Paragraph 8 of the Petition as untrue.

9. Registrant denies the allegations set forth in Paragraph 9 of the Petition as untrue.

10. Registrant denies the allegations set forth in Paragraph 10 of the Petition as untrue.

### **AFFIRMATIVE DEFENSES**

1. The Petition fails, in whole or in part, to state a claim upon which relief may be granted.

2. Petitioner's claims are barred by the equitable doctrines of waiver, laches, estoppel, and/or acquiescence.

3. Registrant hereby gives notice to Petitioner that it lacks knowledge and information sufficient to form a belief as to the truth of numerous allegations contained in the Petition, and until Registrant avails itself of its right of discovery, it cannot determine whether any or all of these affirmative defenses will be asserted at trial. For the same reasons, Registrant reserves the right to assert such additional affirmative defenses as may be deemed warranted following completion of discovery.

WHEREFORE, Registrant respectfully requests that the Petition for Cancellation be dismissed with prejudice; that its Subject Registrations be left intact; and that it be awarded its costs, including reasonable attorney fees, incurred in defending this action, as well as such other and further relief as the Board may deem appropriate.

Respectfully Submitted,

**Gilmar S.p.A.**

By: 

John C. Blattner

**BUTZEL LONG**

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**Attorney for Registrant**

Dated: January 28, 2011

AA311179.1

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Cancellation No. 92053414

v.

GILMAR S.P.A.,

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**PROOF OF SERVICE**

STATE OF MICHIGAN            )  
  )ss  
COUNTY OF WASHTENAW    )

Erin Robinson, being duly sworn, deposes and says that on January 28, 2011, she served a correct copy of Motion for Extension of Time to File Answer and Affirmative Defenses and Answer and Affirmative Defenses in the above-entitled matter upon:

JAMES L. VANA  
PERKINS COIE LLP  
1201 3RD AVENUE, 40TH FLOOR  
SEATTLE, WA 98101-3099

via U.S. Mail with postage fully prepaid.

  
Erin Robinson